



**COUNTY OF SAN LUIS OBISPO
DEPARTMENT OF PLANNING AND BUILDING
STAFF REPORT**

Tentative Notice of Action

*Promoting the wise use of land
Helping build great communities*

MEETING DATE July 1, 2005 LOCAL EFFECTIVE DATE July 15, 2005 APPROX FINAL EFFECTIVE DATE August 5, 2005	CONTACT/PHONE Ryan Hostetter (805) 788-2351	APPLICANT Bob Staller	FILE NO. D030087P
SUBJECT Proposal by Bob Staller for a Minor Use Permit/Coastal Development Permit to allow for the replacement of four existing 4 ft. (diameter) culverts with one 20 ft. wide, by 10 ft. high, by 21 ft. long box culvert bridge with a natural bottom and construct boulder weirs and pools to propagate steelhead habitat, assist in steelhead migration, and focus the primary flow of the water to the center of the stream. The project design, construction, and permitting process is being managed by the Upper Salinas - Las Tablas Resource Conservation District (RCD). RCD is also managing permitting with other agencies such as Fish and Game and Army Corps of Engineers. The project is located on the south side of Highway 41, approximately three miles east of the City of Morro Bay on the Morro Creek Ranch avocado farm, in the Estero planning area.			
RECOMMENDED ACTION 1. Adopt the Mitigated Negative Declaration in accordance with the applicable provisions of the California Environmental Quality Act, Public Resources Code Section 21000 et seq. 2. Approve Minor Use Permit D030087P based on the findings listed in Exhibit A and the conditions listed in Exhibit B			
ENVIRONMENTAL DETERMINATION The Environmental Coordinator, after completion of the initial study, finds that there is no substantial evidence that the project may have a significant effect on the environment, and the preparation of an Environmental Impact Report is not necessary. Therefore, a Mitigated Negative Declaration (pursuant to Public Resources Code Section 21000 et seq., and CA Code of Regulations Section 15000 et seq.) has been issued on May 19, 2005 for this project. Mitigation measures to address biological resources, drainage, and erosion control are included as conditions of approval.			
LAND USE CATEGORY Agriculture	COMBINING DESIGNATION Flood Hazard Area, Local Coastal Program, Sensitive Riparian Vegetation, Sensitive Resource Area, Geologic Study Area	ASSESSOR PARCEL NUMBER 073-069-016	SUPERVISOR DISTRICT(S) 2
PLANNING AREA STANDARDS: None Applicable <i>Does the project meet applicable Planning Area Standards: Not applicable</i>			
LAND USE ORDINANCE STANDARDS: Local Coastal Plan; Geologic Study Area; Flood Hazard; Terrestrial Habitat; Sensitive Resource Area; Streams and Riparian Vegetation <i>Does the project conform to the Land Use Ordinance Standards: Yes - see discussion</i>			
FINAL ACTION This tentative decision will become the final action on the project, unless the tentative decision is changed as a result of information obtained at the administrative hearing or is appealed to the County Board of Supervisors pursuant Section 23.01.042 of the Coastal Zone Land Use Ordinance; effective on the 10th working day after the receipt of the final action by the California Coastal Commission. The tentative decision will be transferred to the Coastal Commission following the required 14-calendar day local appeal period after the administrative hearing. The applicant is encouraged to call the Central Coast District Office of the Coastal Commission in Santa Cruz at (831) 427-4863 to verify the date of final action. The County will not issue any construction permits prior to the end of the Coastal Commission process.			

EXISTING USES: Avocado farm, single family residence, agricultural accessory structures	
SURROUNDING LAND USE CATEGORIES AND USES: <i>North:</i> Agriculture/undeveloped <i>East:</i> Agriculture/undeveloped <i>South:</i> Agriculture/undeveloped <i>West:</i> Agriculture/undeveloped	
OTHER AGENCY / ADVISORY GROUP INVOLVEMENT: The project was referred to: Public Works, CDF, APCD, Department of Fish and Game, California Coastal Commission, US Fish and Wildlife Service, and the US Army Corps of Engineers	
TOPOGRAPHY: Project site is nearly level to steeply sloping on the creek bank	VEGETATION: Riparian vegetation consisting of willows, sycamores, and other non-native vegetation
PROPOSED SERVICES: None applicable for this project. Site contains existing services for operation of the farm and single-family residence.	ACCEPTANCE DATE: May 10, 2005

DISCUSSION

LAND USE ORDINANCE STANDARDS:

Section 23.07.120 Local Coastal Plan - The project site is located within the California Coastal Zone as determined by the California Coastal Act of 1976 and is subject to the provisions of the Local Coastal Plan. The project is appealable to the Coastal Commission because the project is proposed development within 100 feet of Morro Creek, a mapped coastal stream.

Section 23.07.164 - Sensitive Resource Area

Following are the required findings for development located within a Sensitive Resource Area:

1. The development will not create significant adverse effects on the natural features of the site or vicinity that were the basis for the Sensitive Resource Area designation, and will preserve and protect such features through the site design.
2. Natural features and topography have been considered in the design and siting of all proposed physical improvements.
3. Any proposed clearing of topsoil, trees, or other features is the minimum necessary to achieve safe and convenient access and siting of proposed structures, and will not create significant adverse effects on the identified sensitive resource.
4. The soil and subsoil conditions are suitable for any proposed excavation; site preparation and drainage improvements have been designated to prevent soil erosion, and sedimentation of streams through undue surface runoff.

The proposed project is to replace an existing creek crossing and replace it with a new crossing while improving the creek bed, riparian area, and ability for anadromous fish to travel upstream. The project will alter the streambed, which will allow for fish passage through the new 20 ft. wide (20ft. wide x 10 ft high x 21 ft. long) box culvert. The current situation does not allow for fish passage because there is an impassable drop on the downstream side of the culverts. This drop was caused by years of erosion from water flowing through the culverts and undermining the creek bed. This project will create step pools within the bed of the proposed box culvert that will allow fish to get through the box culvert and restore the bed of the creek to a more natural state. Proper erosion control, sedimentation control, and stream bank enhancement are a part of the project as it is proposed. In the end this project will enhance the habitat of Morro Creek and therefore meets the findings for Sensitive Resource Areas.

Section 23.07.170 - Environmentally Sensitive Habitats

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Following are development standards for environmentally sensitive habitats:

1. New development within or adjacent to the habitat shall not significantly disrupt the resource.
2. New development within the habitat shall be limited to those uses that are dependent upon the resource.
3. Where feasible, damaged habitats shall be restored as a condition of development approval.
4. Development shall be consistent with the biological continuance of the habitat.
5. Grading adjacent to Environmentally Sensitive Habitats shall conform to the provisions of Section 23.05.034c (Grading Standards.)

The proposed project meets these development standards because habitat is going to be restored and enhanced. The proposal is to impact the minimum amount of habitat area as possible and create a stable and usable fish and wildlife passage under a newly proposed 20 ft. wide box culvert.

Section 23.07.174 - Streams and Riparian Vegetation

The provisions of this section of the Land Use Ordinance are intended to preserve and protect the natural hydrological system and ecological functions of coastal streams.

The applicant is requesting a Minor Use Permit/Coastal Development Permit to alter the streambed to allow for anadromous fish passage within the creek. The project will provide long-term benefits for anadromous fish. The current situation does not allow for fish passage because there is an impassible drop on the downstream side of the culverts. This project will create step pools to allow fish to pass through the culvert and safely enter the creek on the other side.

The fish habitat/creek enhancement project and construction of improvements to habitat are allowed uses pursuant to Section 23.07.174b3. In addition, the applicant is in the process of securing the necessary permits from the following agencies: a Streambed Alteration (1601) Agreement from the California Department of Fish and Game; a Section 404 permit from the Army Corp of Engineers; a Water Quality Certification from the Central Coast Regional Water Quality Control Board; and a Section 10 Coast Guard permit

Section 23.07.080 - Geologic Study Area

The proposed project is located in a Geologic Study Area (GSA) combining designation. This designation indicates areas where geologic and soil conditions could present new developments and their uses with potential hazards to life and property. The proposed project is a streambed alteration, which is not expected to cause a hazard to life or property.

Section 23.07.060 - Flood Hazard,

The proposed project is located in a Flood Hazard (FH) combining designation. This designation indicates areas where terrain characteristics would present new development and their users with potential hazards to life and property from potential inundation by a 100-year frequency flood. The proposed project is a streambed alteration, which is not expected to cause a hazard to life or property.

COASTAL PLAN POLICIES:

Shoreline Access: ☒ N/A

Recreation and Visitor Serving: ☒ N/A

Energy and Industrial Development: ☒ N/A

Commercial Fishing, Recreational Boating and Port Facilities: ☒ N/A

Environmentally Sensitive Habitats: Policy No(s): 1, 2, 3, 18, 19, 20, 21, 23, & 24
Agriculture: Policy No(s): 1
Public Works: ☒ N/A
Coastal Watersheds: ☒ N/A
Visual and Scenic Resources: ☒ N/A
Hazards: ☒ N/A
Archeology: ☒ N/A
Air Quality: ☒ N/A

Does the project meet applicable Coastal Plan Policies: Yes, as conditioned

COASTAL PLAN POLICY DISCUSSION:

Environmentally Sensitive Habitats:

Policy 1: Land Uses within or adjacent to Environmentally Sensitive Habitats. *The project is a anadromous fish habitat/creek enhancement project, and therefore consistent with this policy*
Policy 2: Permit requirements. *The applicant has provided a biological report and it has been determined that the project as proposed will not have a significant impact on the sensitive habitat and is consistent with the biological continuance of the habitat.*
Policy 3: Habitat restoration. *The County should require the restoration of damage habitats as a condition of approval. The proposed project is to restore fish habitat and enhance the creek.*
Policy 18: Coastal Streams and Riparian Vegetation. *The project is a proposal to replaced blocked culverts and restore unimpeded passage to anadromous fish, this will enhance the habitat.*
Policy 19: Development in or adjacent to a coastal stream. *The proposed project will not degrade the coastal habitat and will be compatible with the continuance of the habitat.*
Policy 20: Fish and Game Review of Streambed Alteration. *The proposed project will require a Streambed Alteration Agreement from the Department of Fish and Game this is also a condition of approval.*
Policy 21: County and State review of coastal stream projects. *The proposed project will require a Water Quality Certification from the Central Coast Regional Water Quality Control Board., and is a condition of approval.*
Policy 23: Streambed Alterations. *The project is a proposal to improve fish habitat at Coon creek, and proper mitigation measures have been incorporated.*
Policy 24: Riparian Vegetation. *The project is a proposal to replaced blocked culverts and restore unimpeded passage to anadromous fish, this will include re-grading the creek to restore the natural slope, riparian vegetation will be removed temporarily, but the long-term benefits to the creek will enhance the habitat.*

Agriculture:

Policy 1: Maintaining Agricultural Lands. *The proposed project is consistent with this policy because the proposed project will not negatively impact the existing agricultural operation.*

AGENCY REVIEW:

Public Works- Recommend approval, no concerns. (11/3/2003)
Department of Fish and Game –See letter in file dated 6/24/2005. Need environmental filing fee.
California Coastal Commission – None received as of 6/7/2005

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US Fish and Wildlife Service – None received as of 6/7/2005

US Army Corps of Engineers – None received as of 6/7/2005

National Marine Fisheries Service – None received as of 6/7/2005. Letters to applicant in file.

LEGAL LOT STATUS:

The existing lot was legally created by at a time when that was a legal method of creating lots. Lot merger was completed see M03-087.

Staff report prepared by Ryan Hostetter and reviewed by Matt Janssen

EXHIBIT A - FINDINGS

Environmental Determination

- A. The Environmental Coordinator, after completion of the initial study, finds that there is no substantial evidence that the project may have a significant effect on the environment, and the preparation of an Environmental Impact Report is not necessary. Therefore, a Mitigated Negative Declaration (pursuant to Public Resources Code Section 21000 et seq., and CA Code of Regulations Section 15000 et seq.) has been issued on May 19, 2005 for this project. Mitigation measures to address biological resources, drainage, and erosion control are included as conditions of approval.

Minor Use Permit

- B. The proposed project or use is consistent with the San Luis Obispo County General Plan because the use is an allowed use and as conditioned is consistent with all of the General Plan policies.
- C. As conditioned, the proposed project or use satisfies all applicable provisions of Title 23 of the County Code.
- D. The establishment and subsequent operation or conduct of the use will not, because of the circumstances and conditions applied in the particular case, be detrimental to the health, safety or welfare of the general public or persons residing or working in the neighborhood of the use, or be detrimental or injurious to property or improvements in the vicinity of the use because the creek bank stabilization project will not conflict with the surrounding lands and uses.
- E. The proposed project or use will not be inconsistent with the character of the immediate neighborhood or contrary to its orderly development because the project is a temporary use and will not conflict with the surrounding lands and uses.
- F. The proposed project or use will not generate a volume of traffic beyond the safe capacity of all roads providing access to the project, either existing or to be improved with the project because the project is located on a principal arterial constructed to a level able to handle any additional traffic associated with the project

Coastal Access

- G. The project is not in between the first public road and the ocean. It is located several miles from the coastline.

Sensitive Resource Area

- H. As conditioned, the development will not create significant adverse effects on the natural features (Coastal Stream) of the site or vicinity that are the basis for the Sensitive Resource Area designation, and will preserve and protect such features through site design because the project has been designed to enhance the habitat.
- I. Natural features and topography have been considered in the design and siting of all proposed physical improvements because the proposed project is to enhance the habitat.

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- J. The proposed clearing of topsoil, trees, is the minimum necessary to achieve safe and convenient access and siting for the creek bank stabilization project, and will not create significant adverse effects on the identified sensitive resource.
- K. The soil and subsoil conditions are suitable for any proposed excavation and site preparation and drainage improvements have been designed to prevent soil erosion, and sedimentation of streams through undue surface runoff.

Streams and Riparian Vegetation

- L. The proposed project is a creek bank stabilization project that is an allowable use (including construction of improvements to fish and wildlife habitat) within the creek bank, therefore no alternative locations and routes are feasible or more environmentally damaging because the project cannot be located anywhere else.
- M. Adverse environmental effects have been mitigated to the maximum extent feasible.
- N. The adjustment to the riparian setback is necessary to allow the creek bank stabilization project an allowable use (including construction of improvements to fish and wildlife habitat), the project could not be redesigned.
- O. The adjustment is the minimum that would allow for the establishment of the creek bank stabilization project.

Coastal Access

- P. The proposed use is in conformity with the public access and recreation policies of Chapter 3 of the California Coastal Act, because the project is not adjacent to the coast and the project will not inhibit access to the coastal waters and recreation areas.

EXHIBIT B - CONDITIONS OF APPROVAL

Approved Development

1. This approval authorizes
 - a. the replacement of an existing creek crossing at Morro creek. The project will include removal of four 4 foot (diameter) culverts and the re-grading of the creek bed to address disparity in grade existing between channel upstream and downstream of the culverts, instillation of a new 20 foot wide, by approximately 21 feet long box culvert with a natural bottom, and create boulder weirs to allow for fish passage.
2. **At the time of application for construction permits** plans submitted shall show all development consistent with the approved site plan and sections.
3. **Prior to issuance of construction permits** the applicant shall show that all necessary permits from the Department of Fish and Game, the Army Corps of Engineers, and any other responsible agencies have been received.

Sedimentation and Erosion Control

4. **Prior to issuance of construction permits** the applicant shall submit a sedimentation and erosion control plan which includes but is not limited to the following information:
 - a. Erosion control methods shall include 1) temporary measures, such as flow diversions, temporary ditches, and silt fencing; 2) permanent measures such as rock drop structures, coir logs, erosion control fabrics, and straw wattles; and 3) revegetation measures, including hydro-seeding and planting within the riparian zone.
 - b. Flows in the watercourse shall be contained or routed to bypass excavation activities.
 - c. Surface disturbance of soil and vegetation should be kept to a minimum; existing access and maintenance roads would be used wherever possible.
 - d. The project applicant shall be responsible for ensuring that all contractors are aware of all storm water quality protection measures, and for the implementation of such measures.
 - e. Channel excavation work should be avoided during the wet season (normally October 15 to April 1), and such work shall be stopped before pending storms, and all disturbed areas stabilized using temporary protection measures.
 - f. Any stockpiled soil would be placed and sloped so that it would not be subject to accelerated erosion.
 - g. Discharge of all project-related materials and fluids into the creek would be avoided to the extent possible by using hay bales or silt fences, constructing berms or barriers around construction materials, or installing geofabric in the area of disturbance.
 - h. After ground-disturbing activities are complete, all graded or disturbed areas would be covered with protective material such as mulch, or re-seeded with native plant species. The plan would include details regarding seeding material, fertilizer, and mulching.

Biological Resources

5. **Prior to issuance of a construction permit**, the applicant shall submit a restoration plan for the revegetation and restoration of the riparian area on site. This restoration plan shall be completed by a qualified biologist (see county list of qualified biologists) familiar with native riparian planting design and shall prepare the plan for review and approval by the Department of Planning and Building. The plan shall incorporate, but not be limited to, the following:

- a. Quantity, location (shown on a site map), and species of vegetation to be planted;
- b. Planting schedule;
- c. Success criteria for vegetation establishment;
- d. Anticipated maintenance schedule; and,
- e. Field monitoring and reporting schedule.

CDF/County Fire

6. **Prior to issuance of construction permits** a letter of clearance from CDF/ County Fire shall be required indicating compliance with their standards and requirements.
7. **Prior to final inspection**, the applicant shall obtain final inspection and approval from CDF / County Fire of all required fire/life safety measures.

Cultural Resources

8. If archeological sites (artifacts of stone, bone, or shell, glass or ceramics) were found during construction, the contractor would stop all work immediately within 100 feet and consult a qualified archeologist for immediate evaluation of the find. If the find were determined to be an important archeological resource, the City in consultation with the state Historic Preservation Officer would develop appropriate treatment measures. Contingency funding and a time allotment sufficient to allow recovery of an archeological sample would be made available by the contractor. Construction work may continue on other parts of the site while archeological mitigation takes place.
9. In the event that any human remains are discovered or recognized in any location other than a dedicated cemetery, no further excavation or disturbance will occur at the site or in any nearby area reasonably suspected to overlie adjacent human remains until:
 - a. The coroner of the county in which remains are discovered has been informed and has determined that no investigation of the cause of death is required; and
 - b. Notify the County Planning and Building Department, Environmental Division
 - c. if the remains are of Native American origin:
 1. The descendants from the deceased native Americans have made a recommendation to the landowner or the person responsible for excavation work, for means of treating or disposing of, with appropriate dignity, the human remains and any associated grave goods as provided in California Public Resources Code 5097.98,
 2. Or the Native American Heritage Commission has been unable to identify a descendent or the descendent has failed to make a recommendation within 24 hours after being notified by the Commission.
10. A qualified archaeologist shall conduct a brief training session for all personnel immediately prior to commencement of all grading and construction activities. The training shall include a description of cultural resources and their importance and what to do if any are encountered. Brochures, books and briefings may be used in the training session.

Miscellaneous

11. This land use permit is valid for a period of 24 months from its effective date unless time extensions are granted pursuant to Land Use Ordinance Section 23.02.050 or the land use permit is considered vested. This land use permit is considered to be vested once a construction permit has been issued and substantial site work has been completed. Substantial site work is defined by Land Use Ordinance Section 23.02.042 as site work progressed beyond grading and completion of structural foundations; and construction is occurring above grade.

12. All conditions of this approval shall be strictly adhered to, within the time frames specified, and in an on-going manner for the life of the project. Failure to comply with these conditions of approval may result in an immediate enforcement action by the Department of Planning and Building. If it is determined that violation(s) of these conditions of approval have occurred, or are occurring, this approval may be revoked pursuant to Section 23.10.160 of the Land Use Ordinance.



COUNTY OF SAN LUIS OBISPO
MITIGATED NEGATIVE DECLARATION & NOTICE OF DETERMINATION

FOR OFFICIAL USE ONLY (RH)

ENVIRONMENTAL DETERMINATION NO. ED03-456

DATE: May 19, 2005

PROJECT/ENTITLEMENT: Morro Creek Ranch Minor Use Permit D030087P

APPLICANT NAME: Bob Staller

ADDRESS: 1800 Atascadero Road Morro Bay, CA 93442

CONTACT PERSON: DJ Funk, Upper Salinas-Las Tablas RCD

Telephone: 805-434-0396

PROPOSED USES/INTENT: Request by Bob Staller for a Minor Use Permit/Coastal Development Permit to allow for the replacement of four existing 4 ft. culverts with one 20' box culvert bridge with a natural bottom and construct boulder weirs and pools to propagate steelhead habitat, assist in steelhead migration, and focus the primary flow of the water so that it is in the center of the stream.

LOCATION: The project is located on the south side of Highway 41, approximately three miles east of the City of Morro Bay on the Morro Creek Ranch avocado farm, in the Estero planning area

LEAD AGENCY: County of San Luis Obispo Department of Planning & Building
County Government Center, Rm. 310
San Luis Obispo, CA 93408-2040

OTHER POTENTIAL PERMITTING AGENCIES: California Department of Fish and Game
, California Coastal Commission, Army Corps of Engineers

ADDITIONAL INFORMATION: Additional information pertaining to this environmental determination may be obtained by contacting the above Lead Agency address or (805) 781-5600.

COUNTY "REQUEST FOR REVIEW" PERIOD ENDS AT 5 p.m. on June 2, 2005

30-DAY PUBLIC REVIEW PERIOD begins at the time of public notification

Notice of Determination

State Clearinghouse No. _____

This is to advise that the San Luis Obispo County _____ as ☐ **Lead Agency**
☐ **Responsible Agency** approved/denied the above described project on _____, and has
made the following determinations regarding the above described project:

The project will not have a significant effect on the environment. A Negative Declaration was prepared for this project pursuant to the provisions of CEQA. Mitigation measures were made a condition of the approval of the project. A Statement of Overriding Considerations was not adopted for this project. Findings were made pursuant to the provisions of CEQA.

This is to certify that the Negative Declaration with comments and responses and record of project approval is available to the General Public at:

Department of Planning and Building, County of San Luis Obispo;
County Government Center, Room 310, San Luis Obispo, CA 93408-2040

Ryan Hostetter

April 13, 2005

County of San Luis Obispo

Signature

Project Manager Name

Date

Public Agency



San Luis Obispo County
Department of Planning and Building
environmental division

ENVIRONMENTAL DOCUMENT FILING FEE FORM

NOTICE: During environmental review, this project required consultation, review or development of mitigation measures by the California Department of Fish and Game. Therefore, the applicants will be assessed user fees pursuant to section 711.4 of the California Fish and Game Code.. The California Environmental Quality Act (Section 21089) provides that this project is not operative, vested or final until the filing fees are paid.

Lead Agency: County of San Luis Obispo

Date: _____

County: San Luis Obispo

Project No. D030087P

Project Title: Morro Creek Ranch Minor Use Permit

Project Applicant

Name: Bob Staller

Address: 1800 Atascadero Road

City, State, Zip Code: Morro Bay, CA 93442

Telephone #: 805-772-7974

Please remit the following amount to the **County Clerk-Recorder**:

() Environmental Impact Report	\$ 850.00
(X) Negative Declaration	\$ 1250.00
(X) County Clerk's Fee	\$ <u>25.00</u>

Total amount due:

AMOUNT ENCLOSED: 1275.00

Checks should be made out to the "County of San Luis Obispo". Payment must be received by the County Clerk, 1144 Monterey Street, Suite A, San Luis Obispo, CA 93408-2040, within two days of project approval.

NOTE: Filing of the Notice of Determination for the attached environmental document requires a filing fee in the amount specified above. If the fee is not paid, the Notice of Determination cannot be filed.



**COUNTY OF SAN LUIS OBISPO
INITIAL STUDY SUMMARY - ENVIRONMENTAL CHECKLIST**

Project Title & No. Morro Creek Ranch Minor Use Permit ED03-0456, D030087P

ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED: The proposed project could have a "Potentially Significant Impact" for at least one of the environmental factors checked below. Please refer to the attached pages for discussion on mitigation measures or project revisions to either reduce these impacts to less than significant levels or require further study.

- | | | |
|---|--|--|
| <input type="checkbox"/> Aesthetics
<input type="checkbox"/> Agricultural Resources
<input type="checkbox"/> Air Quality
<input checked="" type="checkbox"/> Biological Resources
<input type="checkbox"/> Cultural Resources | <input checked="" type="checkbox"/> Geology and Soils
<input type="checkbox"/> Hazards/Hazardous Materials
<input type="checkbox"/> Noise
<input type="checkbox"/> Population/Housing
<input type="checkbox"/> Public Services/Utilities | <input type="checkbox"/> Recreation
<input type="checkbox"/> Transportation/Circulation
<input type="checkbox"/> Wastewater
<input type="checkbox"/> Water
<input type="checkbox"/> Land Use |
|---|--|--|

DETERMINATION: (To be completed by the Lead Agency)

On the basis of this initial evaluation, the Environmental Coordinator finds that:

- ☐ The proposed project COULD NOT have a significant effect on the environment, and a NEGATIVE DECLARATION will be prepared.
- ☒ Although the proposed project could have a significant effect on the environment, there will not be a significant effect in this case because revisions in the project have been made by or agreed to by the project proponent. A MITIGATED NEGATIVE DECLARATION will be prepared.
- ☐ The proposed project MAY have a significant effect on the environment, and an ENVIRONMENTAL IMPACT REPORT is required.
- ☐ The proposed project MAY have a "potentially significant impact" or "potentially significant unless mitigated" impact on the environment, but at least one effect 1) has been adequately analyzed in an earlier document pursuant to applicable legal standards, and 2) has been addressed by mitigation measures based on the earlier analysis as described on attached sheets. An ENVIRONMENTAL IMPACT REPORT is required, but it must analyze only the effects that remain to be addressed.
- ☐ Although the proposed project could have a significant effect on the environment, because all potentially significant effects (a) have been analyzed adequately in an earlier EIR or NEGATIVE DECLARATION pursuant to applicable standards, and (b) have been avoided or mitigated pursuant to that earlier EIR or NEGATIVE DECLARATION, including revisions or mitigation measures that are imposed upon the proposed project, nothing further is required.

Ryan Hostetter
Prepared by (Print)

Ryan Hostetter
Signature

4/22/05
Date

Steven McMorris
Reviewed by (Print)

Ellen Carroll
Signature

Ellen Carroll,
Environmental Coordinator
(for)

5/3/05
Date

Project Environmental Analysis

The County's environmental review process incorporates all of the requirements for completing the Initial Study as required by the California Environmental Quality Act (CEQA) and the CEQA Guidelines. The Initial Study includes staff's on-site inspection of the project site and surroundings and a detailed review of the information in the file for the project. In addition, available background information is reviewed for each project. Relevant information regarding soil types and characteristics, geologic information, significant vegetation and/or wildlife resources, water availability, wastewater disposal services, existing land uses and surrounding land use categories and other information relevant to the environmental review process are evaluated for each project. Exhibit A includes the references used, as well as the agencies or groups that were contacted as a part of the Initial Study. The Environmental Division uses the checklist to summarize the results of the research accomplished during the initial environmental review of the project.

Persons, agencies or organizations interested in obtaining more information regarding the environmental review process for a project should contact the County of San Luis Obispo Environmental Division, Rm. 310, County Government Center, San Luis Obispo, CA, 93408-2040 or call (805) 781-5600.

A. PROJECT

DESCRIPTION: Proposal by Bob Staller for a Minor Use Permit/Coastal Development Permit to allow for the replacement of four existing 4 ft. culverts with one 20' box culvert bridge with a natural bottom and construct boulder weirs and pools to propagate steelhead habitat, assist in steelhead migration, and focus the primary flow of the water so that it is in the center of the stream. The project design, construction, and permitting process is being managed by the Upper Salinas - Las Tablas Resource Conservation District (RCD). RCD is also managing permitting with other agencies such as Fish and Game and Army Corps of Engineers. The project is located on the south side of Highway 41, approximately three miles east of the City of Morro Bay on the Morro Creek Ranch avocado farm, in the Estero planning area.

ASSESSOR PARCEL NUMBER(S): 073-069-016

SUPERVISORIAL DISTRICT # 2

B. EXISTING SETTING

PLANNING AREA: Estero, Rural

LAND USE CATEGORY: Agriculture

COMBINING DESIGNATION(S): Flood Hazard, Geologic Study , Sensitive Resource Area

EXISTING USES: Agricultural uses

TOPOGRAPHY: Irregular

VEGETATION: Riparian , ornamental landscaping avocado orchard

PARCEL SIZE: 28acres

SURROUNDING LAND USE CATEGORIES AND USES:

<i>North:</i> Agriculture; undeveloped	<i>East:</i> Agriculture; undeveloped
<i>South:</i> Agriculture; undeveloped	<i>West:</i> Agriculture; undeveloped

C. ENVIRONMENTAL ANALYSIS

During the Initial Study process, several issues were identified as having potentially significant environmental effects (see following Initial Study). Those potentially significant items associated with the proposed uses can be minimized to less than significant levels.

COUNTY OF SAN LUIS OBISPO INITIAL STUDY CHECKLIST

1.	AESTHETICS - Will the project:	Potentially Significant	Impact can & will be mitigated	Insignificant Impact	Not Applicable
a)	Create an aesthetically incompatible site open to public view?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b)	Introduce a use within a scenic view open to public view?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c)	Change the visual character of an area?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d)	Create glare or night lighting, which may affect surrounding areas?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e)	Impact unique geological or physical features?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
f)	Other: _____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Setting. The project will not be visible from any major public roadway or silhouetting against any ridgelines as viewed from public roadways. The project is considered compatible with the surrounding uses.

Impact. No significant visual impacts are expected to occur.

Mitigation/Conclusion. No mitigation measures are necessary.

2.	AGRICULTURAL RESOURCES - Will the project:	Potentially Significant	Impact can & will be mitigated	Insignificant Impact	Not Applicable
a)	Convert prime agricultural land to non-agricultural use?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b)	Impair agricultural use of other property or result in conversion to other uses?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c)	Conflict with existing zoning or Williamson Act program?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d)	Other: _____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Setting. The soil types include:
Marimel silty clay loam

Lodo clay loam (30-75%) and

As described in the Natural Resource Conservation Service Soil Survey, the "non-irrigated" soil class is "II" , and the "irrigated soil class is "not applicable".

Impact. The project site is located within an agriculturally zoned property which is used for avocado farming. The project, however will not have an impact on the agricultural resources on the property, and may improve the agriculture use of the property. The project will replace an existing "arizona type" creek crossing which consists of four culverts. The new creek crossing will be a 20' box culvert which will help in accessing the avocados, and improve the creek bottom for steelhead habitat. The construction that is taking place will not displace or harm any of the avocados on the site, and will not have any impact on the agricultural resources. Because the crossing will be larger then the existing smaller culverts, getting access to the avocados by truck or tractor will become easier which will help to improve the agricultural operation on site.

Mitigation/Conclusion. No mitigation measures are necessary.

3. AIR QUALITY - Will the project:	Potentially Significant	Impact can & will be mitigated	Insignificant Impact	Not Applicable
a) Violate any state or federal ambient air quality standard, or exceed air quality emission thresholds as established by County Air Pollution Control District?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Expose any sensitive receptor to substantial air pollutant concentrations?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Create or subject individuals to objectionable odors?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) Be inconsistent with the District's Clean Air Plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e) Other: _____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Setting. The Air Pollution Control District (APCD) has developed the CEQA Air Quality Handbook to evaluate project specific impacts and help determine if air quality mitigation measures are needed, or if potentially significant impacts could result. To evaluate long-term emissions, cumulative effects, and establish countywide programs to reach acceptable air quality levels, a Clean Air Plan has been adopted (prepared by APCD).

Impact. As proposed, the project will result in the disturbance of approximately 10,000 square feet of area, remove approximately 900 cubic yards of material, and fill approximately 700 cubic yards of rock for the pools. This will result in both short-term vehicle emissions (which helps create ozone) and the creation of dust during construction. Based on Table 1-1 of the CEQA Air Quality Handbook, the project will result in less than 10 lbs./day of pollutants, which is below the threshold warranting any mitigation. Therefore, no mitigation measures are necessary and the potential impacts are

considered less than significant.

Mitigation/Conclusion. No mitigation measures are necessary.

4. BIOLOGICAL RESOURCES - <i>Will the project:</i>	Potentially Significant	Impact can & will be mitigated	Insignificant Impact	Not Applicable
a) <i>Result in a loss of unique or special status species or their habitats?</i>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b) <i>Reduce the extent, diversity or quality of native or other important vegetation?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) <i>Impact wetland or riparian habitat?</i>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
d) <i>Introduce barriers to movement of resident or migratory fish or wildlife species, or factors, which could hinder the normal activities of wildlife?</i>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
e) <i>Other:</i> _____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Setting. This project is proposed to be within the stream itself and within the riparian vegetation area along a section of the stream bank. The project is proposed to improve the Steelhead migration within Morro Creek and create habitat for the Steelhead by replacing an old creek crossing that is currently a barrier to the fish. The property is within the following habitats: Agricultural land and non-native grassland. The Natural Diversity Database (2003) identified the following sensitive species or habitats within close proximity of the proposed project: Steelhead trout.

Plants: None

Wildlife: Steelhead

Habitats: Riparian

Impact. The project will have short term impacts during construction, however the project will have long term benefits and will be better than the existing situation for biological resources.

Construction is expected to occur between August 1st and October 15th which is when the creek is at its lowest flow and it is a period that will avoid impacts on any nesting birds. If there is any water in the stream it will be dammed with sandbags (which will themselves be covered with plastic sheeting), and there will be a diversion pipe instead. The diversion pipe will extend a minimum of 25 feet beyond the bottom of the construction site and will most likely flow with gravity. Pumps will be used if flows are low enough. All fish and other aquatic species within the construction site will be relocated by biologists qualified for that purpose.

The construction materials are confined to two staging areas and have access to the site by the existing concrete bridge over the stream. The staging areas are located outside the riparian vegetation area. Equipment access from these two staging areas to the creek will be via the existing concrete ramp at the northwest edge of the crossing structure. Excavators will be used for in-stream

grading and construction. The excavators will place boulders to create the pools, maneuver the new box culvert into place, and excavate for the placement of the pools under and downstream of the culvert. A loader will be used to move rock from a temporary storage area to the channel. Dump trucks will deliver the rock from an off-site quarry to the project site. Concrete pumps will be used to distribute the grout within the boulders in the new crossing structure.

Habitat pools will be constructed downstream of the road crossing which will impact riparian vegetation that is outside the immediate construction area of the creek crossing. Approximately 100 feet downstream and 30 feet upstream there will be impact to the stream and banks. Non native invasive plants will be removed by hand and native riparian vegetation will be planted in its place. Native riparian plants will include willows and blackberry vines. After placement of the boulders, willow cuttings will be placed by hand within the boulders along the bank. The willows will be freshly cut, approximately three feet in length, and one inch in diameter. New riparian vegetation, including willows, will be monitored by the Upper Salinas – Las Tablas Resource Conservation District (RCD) biologist and replaced where the vegetation fails to survive. Also after construction, boulders that are displaced due to high flow or debris will be replaced within the rock structures creating the pools.

Erosion control blankets will be installed over channel bank areas cleared of non-native vegetation.

Mitigation/Conclusion. After placement of the 20' box culvert and instillation of the steelhead pools, willow cuttings will be placed by hand within the boulders along the bank. The willows will be freshly cut, approximately three feet in length, and one inch in diameter. New riparian vegetation, including willows, will be monitored by the RCD biologist and replaced where the vegetation fails to survive.

The applicant shall submit a restoration plan completed by a qualified biologist for review and approval which will reduce biological impacts to a less than significant level.

5. CULTURAL RESOURCES - Will the project:

	Potentially Significant	Impact can & will be mitigated	Insignificant Impact	Not Applicable
a) <i>Disturb pre-historic resources?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) <i>Disturb historic resources?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) <i>Disturb paleontological resources?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) <i>Other:</i> _____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Setting. The project is located in an area historically occupied by the Obispeno Chumash. The project is not located in an area that would be considered culturally sensitive due to lack of physical features typically associated with prehistoric occupation. No evidence of cultural materials were noted on-site and no impacts are anticipated. A cultural resources survey and impact assessment was completed by CA Singer and Associates on April 1, 2003 which found no significant historic or prehistoric resources in the area where the project is proposed.

Mitigation/Conclusion. No significant cultural resource impacts are expected to occur, and no mitigation measures are necessary.

6. GEOLOGY AND SOILS -

Will the project:

	Potentially Significant	Impact can & will be mitigated	Insignificant Impact	Not Applicable
a) <i>Result in exposure to or production of unstable earth conditions, such as landslides, earthquakes, liquefaction, ground failure, land subsidence or other similar hazards?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) <i>Be within a California Geological Survey "Alquist-Priolo Earthquake Fault Zone"?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) <i>Result in soil erosion, topographic changes, loss of topsoil or unstable soil conditions from project-related improvements, such as vegetation removal, grading, excavation, or fill?</i>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
d) <i>Change rates of soil absorption, or amount or direction of surface runoff?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e) <i>Include structures located on expansive soils?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
f) <i>Change the drainage patterns where substantial on- or off-site sedimentation/ erosion or flooding may occur?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
g) <i>Involve activities within the 100-year flood zone?</i>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
h) <i>Be inconsistent with the goals and policies of the County's Safety Element relating to Geologic and Seismic Hazards?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
i) <i>Preclude the future extraction of valuable mineral resources?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
j) <i>Other:</i> _____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Setting. GEOLOGY - The topography of the project is irregular. The area proposed for development is outside of the Geologic Study Area designation. The landslide risk potential is considered low. The liquefaction potential during a ground-shaking event is considered high. No active faulting is known to exist on or near the subject property. The project is not within a known area containing serpentine or ultramafic rock or soils.

DRAINAGE – The area proposed for development is within the 100-year Flood Hazard designation. The proposed project is located within Morro Creek. As described in the Natural Resource Conservation Service Soil Survey, the soil is considered very poorly drained. For areas where drainage is identified as a potential issue, the LUO (Sec. 22.52.080) includes a provision to prepare a

drainage plan to minimize potential drainage impacts. When required, this plan would need to address measures such as: constructing on-site retention or detention basins, or installing surface water flow dissipaters. This plan would also need to show that the increased surface runoff would have no more impacts than that caused by historic flows. This proposed project will enhance the drainage of the creek, by eliminating a barrier and opening it up to a larger area for water to flow. The existing situation contains four culverts surrounded by concrete for water to flow through, and the proposed project will include a single 20' box culvert which will enhance the creek flow.

SEDIMENTATION AND EROSION - The soil types include:
Lodo clay loam (30-75%) and Marimel silty clay loam

As described in the NRCS Soil Survey, the soil surface is considered to have moderate erodibility, and moderate shrink-swell characteristics.

When highly erosive conditions exist, a sedimentation and erosion control plan is required (LUO Sec. 22.52.090) to minimize these impacts. When required, the plan is prepared by a civil engineer to address both temporary and long-term sedimentation and erosion impacts. Projects involving more than one acre of disturbance are subject to the preparation of a Storm Water Pollution Prevention Plan (SWPPP), which focuses on controlling storm water runoff. The Regional Water Quality Control Board is the local extension who monitors this program.

Impact. As proposed, the project will result in the disturbance of approximately 10,000 square feet of area within and around Morro Creek (this includes area for restoration, new fish passage pools, and new culvert crossing).

Mitigation/Conclusion. There is no evidence that measures above what will already be required by ordinance or codes are needed.

7. HAZARDS & HAZARDOUS MATERIALS - <i>Will the project:</i>	Potentially Significant	Impact can & will be mitigated	Insignificant Impact	Not Applicable
a) <i>Result in a risk of explosion or release of hazardous substances (e.g. oil, pesticides, chemicals, radiation) or exposure of people to hazardous substances?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) <i>Interfere with an emergency response or evacuation plan?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) <i>Expose people to safety risk associated with airport flight pattern?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) <i>Increase fire hazard risk or expose people or structures to high fire hazard conditions?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e) <i>Create any other health hazard or potential hazard?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
f) <i>Other:</i> _____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Setting. The project is not located in an area of known hazardous material contamination. The project is not within a high severity risk area for fire. The project is not within the Airport Review area.

Impact. The project does not propose the use of hazardous materials. The project does not present a significant fire safety risk. The project is not expected to conflict with any regional evacuation plan.

Mitigation/Conclusion. No significant impacts as a result of hazards or hazardous materials are anticipated, and no mitigation measures are necessary.

8. NOISE - Will the project:	Potentially Significant	Impact can & will be mitigated	Insignificant Impact	Not Applicable
a) <i>Expose people to noise levels that exceed the County Noise Element thresholds?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) <i>Generate increases in the ambient noise levels for adjoining areas?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) <i>Expose people to severe noise or vibration?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) <i>Other:</i> _____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Setting. The project is not within close proximity of loud noise sources, and will not conflict with any sensitive noise receptors (e.g., residences).

Impact. The project is not expected to generate loud noises, nor conflict with the surrounding uses.

Mitigation/Conclusion. No significant noise impacts are anticipated, and no mitigation measures are necessary.

9. POPULATION/HOUSING - Will the project:	Potentially Significant	Impact can & will be mitigated	Insignificant Impact	Not Applicable
a) <i>Induce substantial growth in an area either directly or indirectly (e.g., through projects in an undeveloped area or extension of major infrastructure)?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) <i>Displace existing housing or people, requiring construction of replacement housing elsewhere?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) <i>Create the need for substantial new housing in the area?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

9. POPULATION/HOUSING -*Will the project:*Potentially
SignificantImpact can
& will be
mitigatedInsignificant
ImpactNot
Applicabled) *Use substantial amount of fuel or energy?*☐☐☒☐e) *Other:* _____☐☐☐☐

Setting In its efforts to provide for affordable housing, the county currently administers the Home Investment Partnerships (HOME) Program and the Community Development Block Grant (CDBG) program, which provides limited financing to projects relating to affordable housing throughout the county.

Impact. The project will not result in a need for a significant amount of new housing, and will not displace existing housing.

Mitigation/Conclusion. No significant population and housing impacts are anticipated, and no mitigation measures are necessary.

10. PUBLIC SERVICES/UTILITIES -*Will the project have an effect upon, or result in the need for new or altered public services in any of the following areas:*Potentially
SignificantImpact can
& will be
mitigatedInsignificant
ImpactNot
Applicablea) *Fire protection?*☐☐☒☐b) *Police protection (e.g., Sheriff, CHP)?*☐☐☒☐c) *Schools?*☐☐☒☐d) *Roads?*☐☐☒☐e) *Solid Wastes?*☐☐☒☐f) *Other public facilities?*☐☐☒☐g) *Other:* _____☐☐☐☐

Setting. The project area is served by the County Sheriff's Department and CDF/County Fire as the primary emergency responders. The closest CDF fire station is the Cayucos Station which is approximately 6.5 miles from the proposed project. The closest Sheriff substation is in San Luis Obispo, which is approximately 12 miles from the proposed project.

Impact. The project is not proposed to have any impacts to local utilities or roads or other public facilities.

Mitigation/Conclusion. No mitigation measures are necessary.

11. RECREATION - Will the project:	Potentially Significant	Impact can & will be mitigated	Insignificant Impact	Not Applicable
a) Increase the use or demand for parks or other recreation opportunities?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Affect the access to trails, parks or other recreation opportunities?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Other _____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Setting. The County Trails Plan shows that a potential trail does not go through the proposed project. The project is not proposed in a location that will affect any trail, park or other recreational resource.

Impact. The proposed project will not create a significant need for additional park or recreational resources.

Mitigation/Conclusion. No significant recreation impacts are anticipated, and no mitigation measures are necessary.

12. TRANSPORTATION/ CIRCULATION - Will the project:	Potentially Significant	Impact can & will be mitigated	Insignificant Impact	Not Applicable
a) Increase vehicle trips to local or areawide circulation system?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Reduce existing "Levels of Service" on public roadway(s)?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Create unsafe conditions on public roadways (e.g., limited access, design features, sight distance, slow vehicles)?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) Provide for adequate emergency access?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e) Result in inadequate parking capacity?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
f) Result in inadequate internal traffic circulation?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
g) Conflict with adopted policies, plans, or programs supporting alternative transportation (e.g., pedestrian access, bus turnouts, bicycle racks, etc.)?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
h) Result in a change in air traffic patterns that may result in substantial safety risks?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
i) Other: _____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Setting. Future development will access onto the following public road(s): Highway 41. The identified roadway is operating at acceptable levels. Referrals were sent to Public Works/Caltrans. No significant traffic-related concerns were identified.

Impact. The proposed project is not estimated to increase traffic levels on the local circulation system.

Mitigation/Conclusion. No significant traffic impacts were identified, and no mitigation measures are necessary.

13. WASTEWATER - <i>Will the project:</i>	Potentially Significant	Impact can & will be mitigated	Insignificant Impact	Not Applicable
a) <i>Violate waste discharge requirements or Central Coast Basin Plan criteria for wastewater systems?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) <i>Change the quality of surface or ground water (e.g., nitrogen-loading, daylighting)?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) <i>Adversely affect community wastewater service provider?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) <i>Other:</i> _____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Setting. As described in the NRCS Soil Survey (see Geology section for soil types), the main limitations for on-site wastewater systems relates to: slow percolation steep slopes, floods, and wetness. These limitations are summarized as follows:

Poor Filtering Characteristics – due to the very permeable soil; without special engineering, larger separations will be required between the leach lines and the groundwater basin to provide adequate filtering of the effluent; to achieve compliance with the Central Coast Basin Plan, depth to groundwater information will need to be provided at the building permit stage.

Slow Percolation – is where fluid percolates too slowly through the soil for the natural processes to effectively break down the effluent into harmless components. The Basin Plan identifies the percolation rate should be less than 120 minutes per inch. To achieve compliance with the Central Coast Basin Plan, additional information will be needed prior to issuance of a building permit that shows the leach area can adequately percolate to achieve this threshold.

Wetness or High Groundwater – this characteristic occurs when the soil is frequently in a saturated condition, which could be due to several possible factors, such as high groundwater or a low-lying area that is being regularly fed by a water source. The on-site system needs at least five feet between the bottom of the leach line to the saturated soil (e.g., high groundwater, etc.) that contains soil does not remain in a saturated condition for any length of time. Otherwise, special engineering will be required to provide this separation. Prior to building permit approval, it must be shown to the

satisfaction of the County that future leach lines of a new septic system show that at least a five foot separation will exist between the bottom of the trench and the top of the high groundwater area. An engineered system may be required to achieve Basin Plan criteria.

Flooding – this characteristic is applied when there is a temporary inundation in an area that is subject to overflowing streams, caused by surface runoff from adjacent slopes or by tides. “Occasional” flooding refers to the area being flooded on the average once or less every two years. “Frequent” flooding refers to the area being flooded on the average once or more every two years.

Impact. The project does not propose any wastewater and will not include any sewer or septic hook ups, therefore no impacts are expected to occur.

Mitigation/Conclusion. No impacts to wastewater are expected to occur therefore no mitigation measures are necessary.

14. WATER - Will the project:	Potentially Significant	Impact can & will be mitigated	Insignificant Impact	Not Applicable
a) <i>Violate any water quality standards?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) <i>Discharge into surface waters or otherwise alter surface water quality (e.g., turbidity, temperature, dissolved oxygen, etc.)?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) <i>Change the quality of groundwater (e.g., saltwater intrusion, nitrogen-loading, etc.)?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) <i>Change the quantity or movement of available surface or ground water?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e) <i>Adversely affect community water service provider?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
f) <i>Other:</i> _____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Setting. The proposed project does not have any water usage impacts to the creek. The project will impact the creek, however the long term impacts will be beneficial for the riparian area and steelhead habitat.

The topography of the project is irregular . The proposed project is located within Morro Creek. As described in the NRCS Soil Survey, the soil surface is considered to have moderate erodibility.

Impact. As proposed, the project will result in the disturbance of approximately 6,400 square feet. Based on the project description, as shown below, a reasonable “worst case” indoor water usage would likely be about 0 acre feet/year (AFY)

Mitigation/Conclusion. Since no potentially significant water quantity or quality impacts were identified, no specific measures above standard requirements have been determined necessary. Standard drainage and erosion control measures will be required for the proposed project and will provide sufficient measures to adequately protect surface water quality.

15. LAND USE - Will the project:		Inconsistent	Potentially Inconsistent	Consistent	Not Applicable
a)	<i>Be potentially inconsistent with land use, policy/regulation (e.g., general plan [county land use element and ordinance], local coastal plan, specific plan, Clean Air Plan, etc.) adopted to avoid or mitigate for environmental effects?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b)	<i>Be potentially inconsistent with any habitat or community conservation plan?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c)	<i>Be potentially inconsistent with adopted agency environmental plans or policies with jurisdiction over the project?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d)	<i>Be potentially incompatible with surrounding land uses?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e)	<i>Other:</i> _____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Setting/Impact. Surrounding uses are identified on Page 2 of the Initial Study. The proposed project was reviewed for consistency with policy and/or regulatory documents relating to the environment and appropriate land use (e.g., County Land Use Ordinance, Local Coastal Plan, etc.). Referrals were sent to outside agencies to review for policy consistencies (e.g., CDF for Fire Code, APCD for Clean Air Plan, etc.). The project was found to be consistent with these documents (refer also to Exhibit A on reference documents used).

The project is not within or adjacent to a Habitat Conservation Plan area. The project is consistent or compatible with the surrounding uses as summarized on page 2 of this Initial Study.

Mitigation/Conclusion. No inconsistencies were identified and therefore no additional measures above what will already be required was determined necessary.

16. MANDATORY FINDINGS OF SIGNIFICANCE - Will the project:		Potentially Significant	Impact can & will be mitigated	Insignificant Impact	Not Applicable
---	--	--------------------------------	---	-----------------------------	-----------------------

- | | | | | | |
|----|---|--|--|--|--|
| a) | <i>Have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of</i> | | | | |
|----|---|--|--|--|--|

California history or prehistory?

☐☐☒☐

- b) Have impacts that are individually limited, but cumulatively considerable? ("Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects)**

☐☐☒☐

- c) Have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?**

☐☐☒☐

For further information on CEQA or the county's environmental review process, please visit the County's web site at "www.sloplanning.org" under "Environmental Review", or the California Environmental Resources Evaluation System at "http://ceres.ca.gov/topic/env_law/ceqa/guidelines/" for information about the California Environmental Quality Act.

Exhibit A - Initial Study References and Agency Contacts

The County Planning or Environmental Division have contacted various agencies for their comments on the proposed project. With respect to the subject application, the following have been contacted (marked with an ☒) and when a response was made, it is either attached or in the application file:

<u>Contacted</u>	<u>Agency</u>	<u>Response</u>
<input checked="" type="checkbox"/>	County Public Works Department	In File**
<input type="checkbox"/>	County Environmental Health Division	Not Applicable
<input type="checkbox"/>	County Agricultural Commissioner's Office	Not Applicable
<input type="checkbox"/>	County Airport Manager	Not Applicable
<input type="checkbox"/>	Airport Land Use Commission	Not Applicable
<input type="checkbox"/>	Air Pollution Control District	Not Applicable
<input type="checkbox"/>	County Sheriff's Department	Not Applicable
<input type="checkbox"/>	Regional Water Quality Control Board	Not Applicable
<input checked="" type="checkbox"/>	CA Coastal Commission	None
<input checked="" type="checkbox"/>	CA Department of Fish and Game	Attached
<input type="checkbox"/>	CA Department of Forestry	Not Applicable
<input type="checkbox"/>	CA Department of Transportation	Not Applicable
<input type="checkbox"/>	Community Service District	Not Applicable
<input checked="" type="checkbox"/>	Other <u>US Fish and Wildlife Service</u>	None
<input checked="" type="checkbox"/>	Other <u>US Army Corps of Engineers&NMFS/NOAA</u>	None

**** "No comment" or "No concerns"-type responses are usually not attached**

The following checked ("☒") reference materials have been used in the environmental review for the proposed project and are hereby incorporated by reference into the Initial Study. The following information is available at the County Planning and Building Department.

- | | |
|--|--|
| <input checked="" type="checkbox"/> Project File for the Subject Application | <input type="checkbox"/> Solid Waste Management Plan |
|--|--|
- County documents**
- ☐ Airport Land Use Plans
 - ☒ Annual Resource Summary Report
 - ☐ Building and Construction Ordinance
 - ☒ Coastal Policies
 - ☒ Framework for Planning (Coastal & Inland)
 - ☒ General Plan (Inland & Coastal), including all maps & elements; more pertinent elements considered include:
 - ☒ Agriculture & Open Space Element
 - ☒ Energy Element
 - ☒ Environment Plan (Conservation, Historic and Esthetic Elements)
 - ☒ Housing Element
 - ☒ Noise Element
 - ☐ Parks & Recreation Element
 - ☒ Safety Element
 - ☒ Land Use Ordinance
 - ☐ Real Property Division Ordinance
 - ☐ Trails Plan

- ☒ Area Plan and Update EIR
- ☐ Circulation Study
- Other documents
- ☒ Archaeological Resources Map
- ☒ Area of Critical Concerns Map
- ☒ Areas of Special Biological Importance Map
- ☒ California Natural Species Diversity Database
- ☒ Clean Air Plan
- ☒ Fire Hazard Severity Map

- ☒ Flood Hazard Maps
- ☒ Natural Resources Conservation Service Soil Survey for SLO County
- ☒ Regional Transportation Plan
- ☒ Uniform Fire Code
- ☒ Water Quality Control Plan (Central Coast Basin – Region 3)
- ☒ GIS mapping layers (e.g., habitat, streams, contours, etc.)
- ☐ Other _____

In addition, the following project specific information and/or reference materials have been considered as a part of the Initial Study:

CA Singer & Associates, April 1, 2004. "Cultural Resources Survey and Impact Assessment for a portion of Morro Creek Ranch and a section of the Morro Creek channel in San Luis Obispo County, California".

Upper Salinas/Las Tablas Resource Conservation District, June 2003. "Environmental Assessment for Proposed Modification to an Existing Arizona Crossing"

Exhibit B - Mitigation Summary Table

- BR-1 **Prior to issuance of a construction permit**, the applicant shall submit a restoration plan for the revegetation and restoration of the riparian area on site. This restoration plan shall be completed by a qualified biologist (see county list of qualified biologists) familiar with native riparian planting design and shall prepare the plan for review and approval by the Department of Planning and Building. The plan shall incorporate, but not be limited to, the following:
1. Quantity, location (shown on a site map), and species of vegetation to be planted;
 2. Planting schedule;
 3. Success criteria for vegetation establishment;
 4. Anticipated maintenance schedule; and,
 5. Field monitoring and reporting schedule.

Jan 26 04 12:40p

Mike Hill

(805) 489-7355

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STATE OF CALIFORNIA THE RESOURCES AGENCY
DEPARTMENT OF FISH AND GAME
CENTRAL COAST REGION
(707) 944-5520
Mailing address:
POST OFFICE BOX 47
YOUNTVILLE, CALIFORNIA 94599
Street address:
7329 SILVERADO TRAIL
NAPA, CALIFORNIA 94558

ARNOLD SCHWARZENEGGER GOVERNOR



Date: January 26, 2004

THIS FAX IS BEING SENT TO: Mr. D.J. Funk
Fax #: (805) 434-0284

From: Mike Hill, Associate Fishery Biologist
Fax: (805) 489-7355
Phone: (805) 489-7355

Re: Application # R3-1600-2003-5260-3

Dear DJ:

This is a draft agreement that must be signed before we can issue a Lake and Streambed Alteration Agreement. There are 8 pages of project description and conditions. Please make sure that Mr. Staller and Mr. Pearson review all 8 pages of the project conditions, then have Mr. Staller sign and date the signature sheet. Please note the following:

- We must have the signed originals before we can complete the Agreement. Make sure that Mr. Staller signs the signature sheet. The Agreement will not be valid if not signed by him on this page.
- Don't forget to have Mr. Staller initial the bottom of each page.

- Upon reviewing, initialing, and signing the draft agreement, mail all pages of the project description and conditions to me at the address below:

Department of Fish and Game
897 Oak Park Boulevard #259
Pismo Beach, California 93449
Attn: Mike Hill

- DO NOT RETURN THE DOCUMENT TO THE YOUNTVILLE ADDRESS. Doing so will unnecessarily delay issuance of your permit.

If you have any questions or comments regarding this draft agreement, please do not hesitate to contact me at the above telephone number.

PLEASE NOTE THAT YOU MAY NOT BEGIN YOUR PROJECT UNTIL THE DEPARTMENT RECEIVES YOUR SIGNED PROJECT DESCRIPTION AND CONDITIONS, AND YOU RECEIVE AN AGREEMENT SIGNED BY THE DEPARTMENT.

Jan 26 04 12:40p

Mike Hill

(805) 489-7355

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STATE OF CALIFORNIA THE RESOURCES AGENCY
DEPARTMENT OF FISH AND GAME

ARNOLD SCHWARZENEGGER GOVERNOR

CENTRAL COAST REGION

(707) 944-5520

Mailing address:

POST OFFICE BOX 47

YOUNTVILLE, CALIFORNIA 94599

Street address:

7329 SILVERADO TRAIL

NAPA, CALIFORNIA 94558

Notification Number: R3-1600-2003-5260-3

Morro Creek, San Luis Obispo County

Mr. Robert Staller
Morro Creek Ranch
1800 Atascadero Road
Morro Bay, California 93442

PROJECT DESCRIPTION and PROJECT CONDITIONS**Description**

Morro Creek originates in the rugged coastal Santa Lucia range east of Atascadero and tributaries to the Pacific Ocean via Morro Bay in the City of Morro Bay, San Luis Obispo County, California (Township 29S, Range 11 E, Sections 17, 18, and 19; APNs 73-069-08 and 73-031-05). The project site is located in an avocado farm situated on either side of Morro Creek. In approximately 1985, a large "Arizona" style road crossing was installed in Morro Creek to replace a bridge that had collapsed. The road crossing consists of four corrugated metal pipe (CMP) culverts, each approximately 48-inches in diameter and approximately 20 feet in length. Fill material was placed over the culverts to provide a road surface, and large rock slope protection (RSP) boulders were placed at the upstream and downstream sides to protect the crossing. Since its installation, the downstream side of the crossing has become undercut and in danger of failing. In September 2003, without first having obtained appropriate permits, the property owner placed additional RSP boulders on the downstream side and grouted the RSP in place, which resulted in enforcement action requiring modification of the existing structure. The proposed project would remove the four CMP culverts and replacing them with a single span concrete box culvert approximately 15 feet wide and 8 to 10 feet in height. Excavators would be used to remove the existing crossing and rock slope protection. The bottom of the box culvert would be placed approximately one foot below the stream bottom at the existing location to provide a natural bottom of gravel and other bedload material. Rock slope protection, approximately one- to two-ton size, would be placed at the outflow of the culvert and grouted in place to reduce the likelihood of undermining the structure. Five boulder weirs, roughly shaped in the form of an upside-down "U", would be placed in the channel downstream from the box culvert. The apex of each weir would point upstream and be located at or near the center of the stream channel. The boulders would be held together using cables and epoxy resin or similar glue placed in holes drilled in each boulder. The streambed would be excavated slightly and all boulders would be keyed into place. The weirs would form a series of pools, each approximately one foot higher in elevation than the adjacent downstream weir, to serve both as gradient control structures and to facilitate passage of steelhead through the site. The distance between each weir would be approximately 20 feet to provide adequate depth for upstream migration and reduced

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Date prepared: January 26, 2004

Operator's initials

Notification Number R3-1600-2003-5260-3

Jan 26 04 12:41p Mike Hill

(805) 489-7355

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velocities for resting sites. Downstream from the culvert outflow, the left bank of the channel would be armored using rock slope protection to reduce erosion and sediment deposition within the stream channel. Equipment to be used on the site include excavators, loaders, dump trucks, and concrete trucks with pumps. The project is necessary to ensure vehicular access to avocado orchards on each side of the creek while eliminating a barrier and providing suitable access for steelhead migrating upstream and downstream through the project site.

Conditions

1. To avoid impacts to steelhead, construction shall be limited to the period of August 1 to October 31. This agreement shall expire on December 31, 2005.
2. The operator is advised that prior to initiation of construction, additional permits may be required by regulatory agencies including but not limited to the Army Corps of Engineers, Regional Water Quality Control Board, U.S. Fish and Wildlife Service, and National Marine Fisheries Service. The operator is strongly advised to contact these and other regulatory agencies well before initiation of construction activities to ensure that all permit requirements have been met.
3. This agreement does not authorize the Operator to trespass onto any land or property. The Operator is advised to obtain all appropriate easements and authorizations from any affected landowners prior to the initiation of construction.
4. Preconstruction surveys shall be conducted to determine the presence of California red-legged frogs and southwestern pond turtles. If found, all construction shall cease within the immediate construction area and the operator shall consult with the Department and the US FWS and the agreement will need to be amended and potential environmental review conducted before the project proceeds.
5. If any sensitive species are observed in project surveys, the Operator shall submit Natural Diversity Data Base (NDDB) forms to the NDDB for all preconstruction survey data within five working days of the sightings, and provide DFG Region 3 with copies of the NDDB forms and survey maps.
6. The bottom of the box culvert would be placed approximately one foot below the elevation of the thalweg immediately upstream from the crossing. Clean river gravel and cobble shall be placed in the bottom of culvert to match the thalweg elevation.
7. All rock slope protection shall be keyed into the bed and shall be of sufficient size to withstand anticipated flows without being dislodged. Rock slope protection at the culvert outfall may be grouted in place.
8. The apex of the upstream-most boulder weir shall be placed no closer than 40 feet from the culvert outflow. All boulder weirs shall be constructed in accordance with guidelines contained in the Department of Fish and Game's California Salmonid

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Stream Habitat Restoration Manual under the guidance of Mr. Mike Hill, the Department's District Fishery Biologist, and/or Mr. Dave Highland, Fish Habitat Specialist. Grout or cement shall not be placed on rock weirs or used to anchor rock weirs together or in place.

9. Geotextile fabric shall be placed under any rock slope protection to prevent fine sediments from entering the stream channel. "Fine sediment" is defined as material that is able to pass through a #20 sieve.
10. Upon completion of construction, the low-flow channel of the stream bed shall be returned as nearly as possible to its natural preconstruction condition without creating a wide flat channel, sluice-like area, or possible future bank erosion problems. The stream margin shall be returned as nearly as possible to its natural preconstruction condition without creating future bank erosion problems. The gradient of the streambed over the horizontal length of the project shall be as nearly as possible as the gradient that existed prior to construction.
11. Any material imported for any phase of construction of the impoundment shall be free of pollutants, noxious weed seeds, or other materials that may be deleterious to fish, wildlife, or native vegetation. Rock, gravel, and/or other materials shall not be imported to, taken from, or moved within the bed or banks of the stream except as otherwise addressed in this Agreement.
12. Equipment access to the creek shall be via the existing concrete ramp located downstream from the road crossing and on the right bank (looking downstream).
13. The perimeter of the work site shall be adequately flagged to prevent damage to adjacent riparian habitat. Disturbance to that portion of the channel upstream from the road crossing shall not exceed the minimum necessary to complete operations.
14. If water is present at the project site, the stream shall be diverted around or through the work area and the work area shall be isolated from the flowing stream prior to the start of construction. To isolate the work area, water tight coffer dams shall be constructed upstream and downstream of the work area and water diverted through a suitably sized pipe, from upstream of the upstream coffer dam and discharge downstream of the downstream coffer dam. The pipe shall be sized to accommodate the highest expected flows during construction.
15. Coffler dams shall be constructed of bags containing a non-erodible material such as clean river gravel which does not contain soil or fine sediment. Coffler dams and the stream diversion system shall remain in place and functional throughout the construction period. If the coffer dams or stream diversion fail, construction activities shall cease and the coffer dams or stream diversion shall be repaired immediately. Upon completion of construction, gravel bags shall be removed from the channel and

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disposed of properly. Clean river gravel from the bags may be left in the stream to be dispersed by natural flows.

16. No heavy equipment shall operate in the live stream. An emergency response plan shall be prepared prior to the start of construction. The plan shall be kept on site during construction and shall identify the actions which will be taken in the event of spill of petroleum products, or other material harmful to aquatic or plant life, and the emergency response materials which will be kept at the site to allow the rapid containment and clean-up of any spilled material.
17. Staging/storage areas for equipment, materials, fuels, lubricants and solvents, shall be located outside of the stream's high water channel and associated riparian area. Stationary equipment such as motors, pumps, generators, compressors, and welders, located within the dry portion of the stream channel or adjacent to the stream shall be positioned over drip-pans. Vehicles and equipment shall be moved out of the normal high water area of the stream prior to refueling and lubricating.
18. No litter or construction debris shall be deposited, or allowed to remain, in the riparian/stream zone. All such material shall be picked up daily.
19. Spoil sites shall not be located within the stream channel, where spoil may be washed back into the stream, or where it will cover wetland or riparian vegetation. Building materials and construction equipment shall not be stored where materials could be washed into the water or where it will cover wetland or riparian habitat.
20. If the excavation site must be dewatered during construction, any muddy or otherwise contaminated water shall be pumped to a settling pond located outside the stream channel or to a stable upland site where the water can clear prior to re-entering the stream.
21. No phase of the project may be started if that phase and its associated erosion control measures cannot be completed prior to the onset of a storm event if that phase may cause the introduction of sediments into the stream. Seventy-two-hour weather forecasts from the National Weather Service shall be consulted prior to start up of any phase of the project that may result in sediment runoff to the river.
22. Prior to construction, silt fencing or other suitable sediment prevention devices shall be installed between the top of bank and the staging areas. The sediment prevention devices shall be inspected daily and shall remain in sound working condition until completion of construction. If the sediment prevention devices are found to be in need of repair or not in proper working order for any reason, construction shall immediately cease until the sediment prevention devices are repaired.

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Mike Hill

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23. The contractor shall take every necessary precaution to ensure that no concrete or concrete products enter the stream channel. No concrete washings shall be permitted to enter the stream channel and no debris from concrete work shall be disposed of at the project site. Grout placed on rock slope protection at the culvert outfall shall be allowed to cure for a minimum of 30 days before being exposed to stream flows, or, alternatively, if a concrete cure/sealant material is added to the grout, the grout shall be allowed to cure for a minimum of 15 days before being exposed to stream flows.
24. In the event that any concrete or concrete product inadvertently enters the stream channel or is exposed to stream flows, all construction activity shall immediately cease and shall not resume until the concrete or concrete products are completely cleaned up and removed from the stream channel. The Department of Fish and Game shall be notified immediately that the spill has occurred and informed of steps taken to clean up the spill.
25. The Operator/Contractor shall take every precaution to ensure that fish or other aquatic life are not stranded due to construction activities. The Operator/Contractor shall check daily for stranded aquatic life in any area in which construction activities occur. All reasonable efforts shall be made to capture and move all stranded aquatic life observed in the project areas. Capture methods may include fish landing nets, dip nets, buckets and by hand.
26. Captured aquatic life shall be released immediately in the closest body of water adjacent to the work site. In no instance shall captured aquatic life be relocated to another watershed or taken home for personal use by any person or persons including construction crews or biological monitors.
27. Consideration shall be given to daytime temperatures, water temperatures, and other factors that may affect the survival of captured aquatic life. Extreme care shall be taken to ensure that aquatic life is not injured or killed during relocation efforts.
28. Only persons specifically authorized by agreement through the National Marine Fisheries Service to handle steelhead shall capture, relocate, or otherwise handle steelhead. Only persons specifically authorized by agreement through the United States Fish and Wildlife Service to handle California red-legged frogs shall capture, relocate, or otherwise handle California red-legged frogs. Nothing in this agreement authorizes any person to capture, relocate, or otherwise handle any species listed as "threatened" or "endangered" under the federal Endangered Species Act or the California Endangered Species Act.
29. Prior to the beginning of construction, the operator shall provide a detailed revegetation plan to the Department for approval. At a minimum, the plan shall provide for removing exotic plants for a distance of not less than 50 feet upstream and 100 feet downstream from the crossing.

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30. Erosion control blankets shall be installed over areas barren of vegetation, and all barren soil left exposed after removal of vegetation shall be replanted using locally obtained willows, California blackberry, and other native plants. Willow stakes shall be placed along the water's edge throughout the project site at intervals not to exceed 12 inches.
31. The project site shall be monitored and maintained for three years following completion of construction to ensure a survival rate of at least 80 percent for replanted vegetation. If an 80 percent success rate is not realized at the end of three years, additional planting shall be required and monitoring and maintenance shall be continued until the 80 percent success rate is achieved.
32. At the end of the three year monitoring period, the applicant shall provide a written report to the Department describing the number and species of trees and other plants planted, the survival rate of the vegetation, and any remedial measures necessary. Restoration shall include the revegetation of stripped or exposed areas. All planting shall be done no later than October 31 to take advantage of the winter rainy season.
33. All invasive exotic plant species shall be removed from the project site. Any Vinca, Cape or German ivy, Castor bean, Arundo, or other exotic plant species shall be bagged and appropriately disposed of in a landfill. Exotic species shall not be used in composting or left otherwise exposed in or around the project site. Heavy equipment and other machinery shall be inspected for the presence of undesirable species prior to on-site use and cleaned to reduce the risk of introducing exotic plant species into the project site.
34. To avoid impacts to nesting birds, construction shall not begin until on or after August 1.

If the Operator needs more time to complete the authorized activity, the work period may be extended on a day-to-day basis by Mr. Mike Hill, Associate Fishery Biologist, at (805) 489-7355, or to the Yountville office at (707) 944-5520.

A copy of this agreement must be provided to the contractor and all subcontractors who work within the stream zone and must be in their possession at the work site.

Building materials and/or construction equipment shall not be stockpiled or stored where they could be washed into the water or where they will cover aquatic or riparian vegetation.

Debris, soil, silt, bark, rubbish, creosote-treated wood, raw cement/concrete or washings thereof, asphalt, paint or other coating material, oil or other petroleum products, or any other substances which could be hazardous to aquatic life, resulting from project related activities, shall be prevented from contaminating the soil and/or entering the waters of the state. Any of these

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Mike Hill

(805) 489-7355

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materials, placed within or where they may enter a stream or lake, by Operator or any party working under contract, or with the permission of the Operator, shall be removed immediately.

The contractor shall not dump any litter or construction debris within the riparian/stream zone. All such debris and waste shall be picked up daily and properly disposed of at an appropriate site.

Department personnel or its agents may inspect the work site at any time.

The Operator is liable for compliance with the terms of this Agreement, including violations committed by the contractors and/or subcontractors. The Department reserves the right to suspend construction activity described in this Agreement if the Department determines any of the following has occurred:

- A). Failure to comply with any of the conditions of this Agreement
- B). Information provided in support of the Agreement is determined by the Department to be inaccurate.
- C). Information becomes available to the Department that was not known when preparing the original conditions of this Agreement (including, but not limited to, the occurrence of State or federally listed species in the area or risk to resources not previously observed)
- D). The project as described in the Agreement has changed or conditions affecting fish and wildlife resources change.

Any violation of the terms of this Agreement may result in the project being stopped, a citation being issued, or charges being filed with the District Attorney. Contractors and subcontractors may also be liable for violating the conditions of this agreement.

Amendments and Renewals

The Operator shall notify the Department before any modifications are made in the project plans submitted to the Department. Project modifications may require an amendment or a new notification.

This Agreement is transferable to subsequent owners of the project property by requesting an amendment.

To renew the Agreement beyond the expiration date, a written request for a renewal must be submitted to the Department (1600 Program, Post Office Box 47, Yountville, California 94599) for consideration at least 30 days before the Agreement expiration date. A renewal requires a fee. The Fee Schedule can be obtained at www.dfg.ca.gov/1600 or by phone at (707) 944-5520. Renewals of the original Agreement are issued at the discretion of the Department.

To modify the project, a written request for an amendment must be submitted to the Department (1600 Program, Post Office Box 47, Yountville, California 94599). The fee for an amendment is

Jan 26 04 12:43p Mike Hill

(805) 489-7355

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one-half (1/2) of the original fee. Amendments to the original Agreement are issued at the discretion of the Department.

Please note that you may not proceed with construction until your proposed project has undergone CEQA review and the Department signs the Agreement.

I, the undersigned, state that the above is the final description of the project I am submitting to the Department for CEQA review, leading to an Agreement, and agree to implement the conditions above required by the Department as part of that project. I will not proceed with this project until the Department signs the Agreement. I also understand that the CEQA review may result in the addition of measures to the project to avoid, minimize, or compensate for significant environmental impacts:

Operator's name (print):

ROBERT S. STALLER

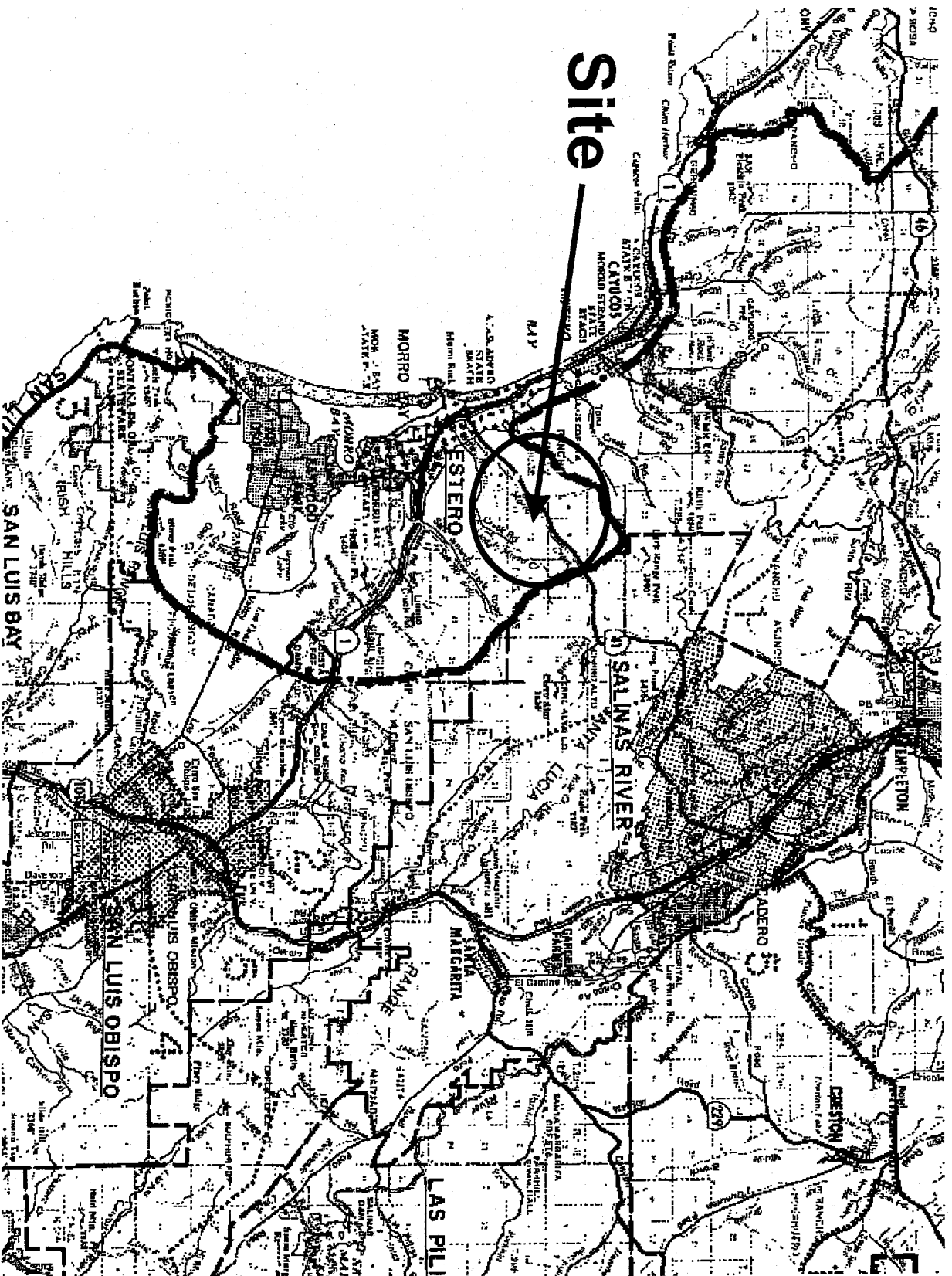
Operator's signature:

Robert S. Staller

Signed the

27TH day of JANUARY, 2004

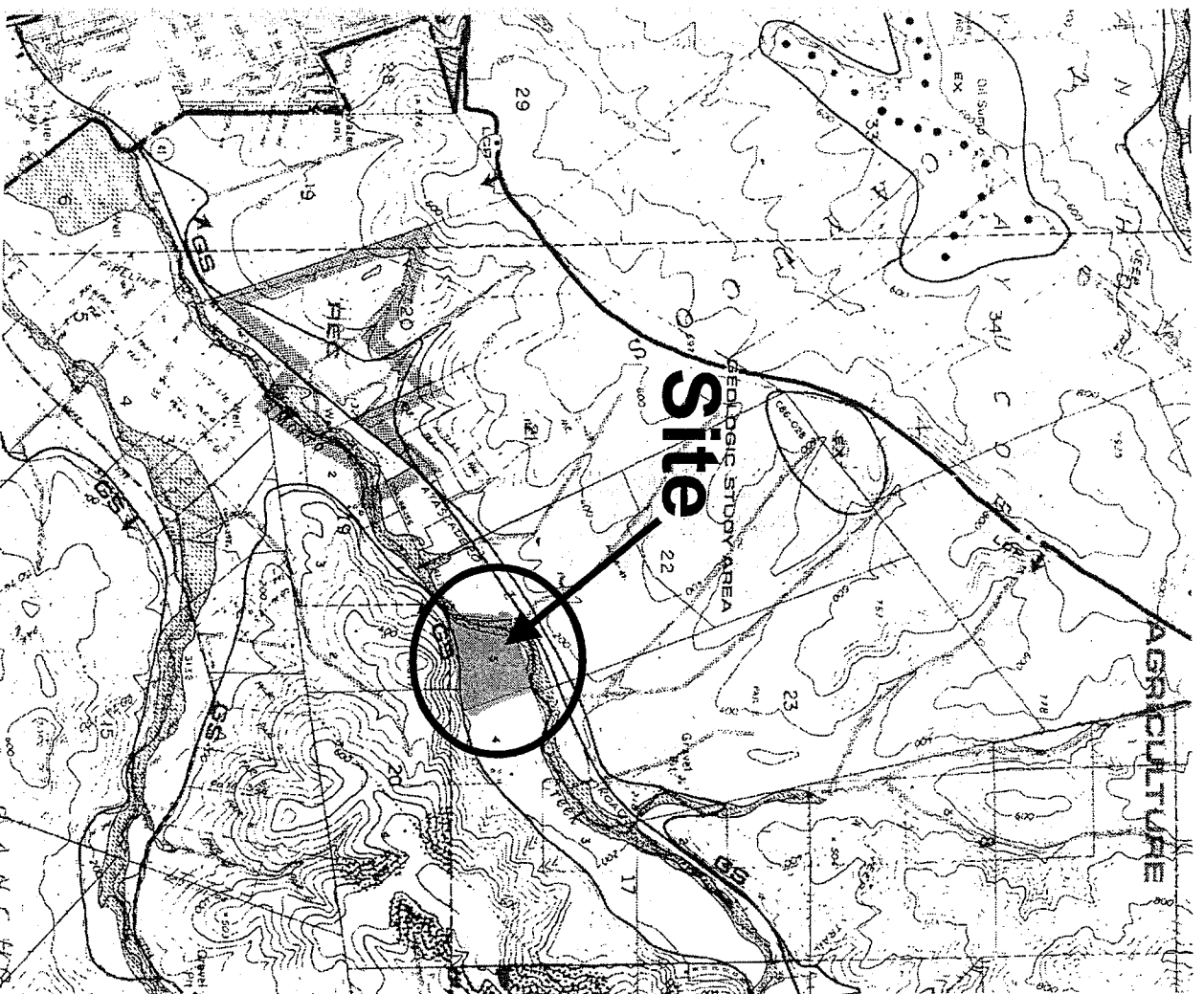
Site



Project _____
Minor Use Permit _____
Morro Creek Ranch/ D03087P _____



Exhibit —
Vicinity Map



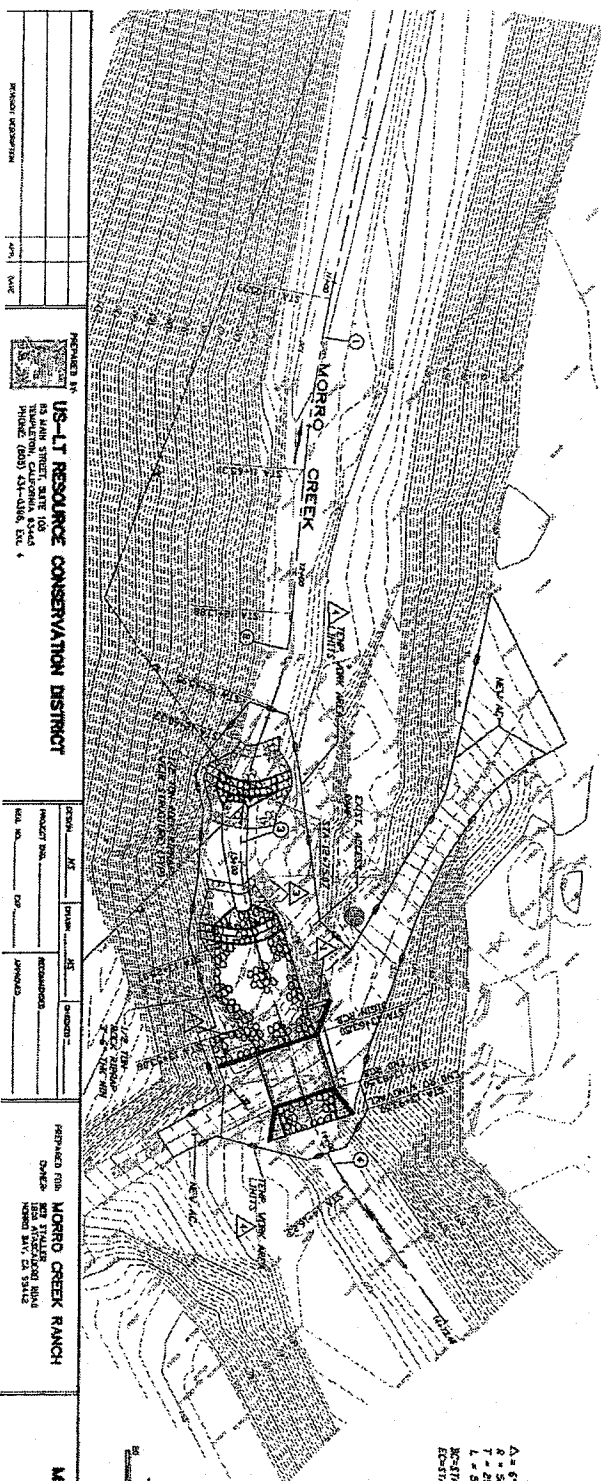
Project
Minor Use Permit
Morro Creek Ranch/ D03087P



Exhibit
Land Use Category Map

1. REMOVE & REPLACE INTERVENING PORTION OF THE EXISTING CONCRETE RAMP TO ACCOMMODATE INSTALLATION OF THE NEW RETAINING WALLS.
2. REMOVE AND DISPOSE OF THE EXISTING 48" CS PIPES (4).
3. PROTECT EXISTING WALL & UTILITIES.
4. TEMPORARILY WORK AREA, AND HEAVY CONSTRUCTION EQUIPMENT BE ALLOWED OFFSIDE THE WORK AREA LIMITS SHOWN HEREON.

①	$\Delta = 6^{\circ} 16' 39''$ $R = 500.67$ $T = 29.61$ $L = 58.14$	DC-57A 19-05.99 EC-57A 11-06.33
②	$\Delta = 18^{\circ} 41' 35''$ $R = 125.00$ $T = 14.32$ $L = 32.97$	DC-57A 18-11.65 EC-57A 12-13.45
③	$\Delta = 27^{\circ} 37' 34''$ $R = 104.06$ $T = 33.57$ $L = 54.73$	DC-57A 12-06.33 EC-57A 13-02.07
④	$\Delta = 18^{\circ} 18' 36''$ $R = 166.69$ $T = 16.44$ $L = 31.01$	DC-57A 13-04.44 EC-57A 13-01.24



PRELIMINARY
SUBJECT TO CHANGE
ALTERNATIVE NO. 2

MORRO CREEK ROAD CROSSING @
MORRO CREEK RANCH
PLAN 1, PROFILE

PLAN & PROFIT, E.

Project _____
Minor Use Permit _____
Morro Creek Ranch/ D03087P _____



Exhibit _____

Site Plan/Profile

Exhibit Sections





Project
Minor Use Permit
Morro Creek Ranch/ D03087P



Exhibit
Aerial Photograph